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INFO RUEHVI/AMEMBASSY VIENNA PRIORITY 0531

C O N F I D E N T I A L USUN NEW YORK 001076

SIPDIS

PASS TO IO/UNP - EDMONDSON, CA/VO/P/D MUNTEAN, CA/VO/L/C -
HOWARD, L/DL - GRESSER

E.O. 12958: DECL: 11/17/2028
TAGS: [OFDP](#) [CVIS](#) [PREL](#) [IR](#)
SUBJECT: IRAN UN AMBASSADOR PROTESTS VISA DELAY/DENIAL AT
UN HOST COUNTRY COMMITTEE MEETING

REF: A. A) USUN 00968
[1](#)B. B) 1983 STATE 257713 ET AL

Classified By: DEPUTY US REPRESENTATIVE, AMBASSADOR ALEJANDRO D. WOLFF,
REASONS 1.4(B) AND (D)

[1](#)1. (U) Action request - See paragraph 5.

[1](#)2. (SBU) At the October 31, 2008, meeting of the UN Committee on Relations with the Host Country, the Committee quickly adopted its annual report, including the recommendations and conclusions (previously faxed to IO/UNP). The Iran Mission's Deputy Permanent Representative (whose attendance at a Committee meeting was surprising) took the floor to protest the denial of an official visa by the U.S. as host country to a prominent Iranian law professor, Jamshid Momtaz. Dr. Momtaz was to attend an official UN meeting at UN Headquarters, and the Iranians had filed his visa application on August 13, more than two months prior to the UN meeting in late October. USUN Host Country Affairs Minister Counselor replied that the applicant had not been denied a visa, that visa denials for foreign officials coming to the UN for official UN meetings required special procedures involving very senior levels of the State Department, and if the Iran Mission had, like other Missions faced with a problem, contacted USUN sufficiently in advance, then USUN would likely have been able to resolve the matter in time for the professor to be able to attend the meeting. (Comment: Jamshid Momtaz has been a frequent visitor to the UN Sixth (Legal) Committee for more than a decade. He is a Senior Legal Adviser to Iran's MFA and was a member of the International Law Commission from 2000-2006. The Commission's Report was being discussed in the committee from October 27 - November 5. End Comment).

[1](#)3. (C) Coming on the heels of the delay in visa issuance (now being resolved) to incoming Iranian UN Mission Second Secretary, Mohsen KESHAVARZ SALEH, USUN is now faced with the above visa protest re Dr. Momtaz, which was repeated in the General Assembly's Sixth Committee on November 14. We note from the CCD that the applicant had at least one "G" visa to the US in late 2007, valid until February 2008. The Iran Mission has requested an explanation concerning the visa delay in the Momtaz case. The Headquarters Agreement requires that the host country issue visas promptly. The applicant applied more than 2 months in advance to travel to a UN meeting in late October. Amembassy Vienna requested the required Security Advisory Opinion (SAO) in mid-August. It is possible that the MFA in Tehran, the Iran Embassies in Vienna, Bern and elsewhere, and Iran's UN Mission in NY might not communicate with each other effectively re visa delays. Ideally, the MFA in Tehran should let its Iran Embassies abroad (especially Bern and Vienna where many, if not most, Iranian officials pick up their visas en route to NY) and its Iran UN Mission in NY know of any delays or problems encountered so these Iranian posts could then alert the US Embassies in Bern, Vienna and USUN in NY, respectively,

regarding the need for the U.S. to expedite visa issuance.

¶4. (C) USUN has been confronted with an increasing number of complaints from UN missions about visa delays. Since as early as 1983, USUN has informed missions (reftel B) that visa applications may take 15 business days to process. Missions and the UN Legal Counsel have not objected strongly to this practice, but both recently expressed concerns about open-ended delays which they complain represent virtual denials. Several months ago the outgoing UN Legal Counsel/Under Secretary General, Nicolas Michel, raised the USG's failure to issue a timely visa to the UNIDO Legal Adviser (an Iranian) in Vienna to attend a meeting the Under Secretary General had convened in NY. Visiting CA/VO/P/D chief and USUN discussed visa delays recently with the UN Assistant Secretary General/Deputy UN Legal Counsel (reftel).

¶5. (SBU) USUN urges Department to provide timely notification that visa applications have been processed or denied. Denials should be made pursuant to the terms of the modus vivendi between the UN and the Department which has been followed since it was established in the 1950's.
Khalilzad